

## **Arizona Department of Water Resources**

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### **NOTICE OF PUBLIC MEETING**

Pursuant to A.R.S. § 38-431.02, notice is hereby given that there will be a meeting of the Statewide Water Advisory Group on Friday June 29, 2007, at 10:00 a.m. at the Arizona Department of Water Resources, 3550 North Central Avenue, Phoenix, Arizona 85012, Second Floor Upper/Middle Verde Conference Rooms. The meeting is open to the general public. A copy of the agenda for the meeting is posted below.

Dated this 21<sup>st</sup> day of June, 2007

### **Statewide Water Advisory Group (SWAG)**

#### **Meeting Agenda**

- I. Summary of Water Bills**
  - Fred Breedlove
- II. Implementation Tasks**
  - Tom Carr/ Sandy Fabritz-Whitney
- III. SWAG Process**
  - a. Consideration of an Agenda Committee**
  - b. Consideration of a Water Development Committee**
- IV. Surface Water Issues**
  - Sandy Fabritz-Whitney
- V. Future Meeting Date**

*Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Statewide Planning Division at (602) 771-8523. Requests should be made as early as possible to allow time to arrange the accommodation.*



## **2007 Legislative Agenda**

### **➤ Five agency driven bills**

- 1. "NOI" bill**
- 2. Drought emergency groundwater transfer**
- 3. Summerhaven**
- 4. Municipal water conservation**
- 5. Forbearance authority**



## **The “NOI” Bill – HB 2485**

- **Primary Sponsor: Rep. Lucy Mason**
- **Makes technical changes that protect the Notice of Intent to Drill (NOI) fee provisions.**
- **A drafting error in 1992 would have removed NOI fees from statute when the Secretary of Interior issues final regulations for administering entitlements to the Colorado River.**

## **Drought Emergency Groundwater Transfer – HB 2488**

- **Primary Sponsor: Rep. Lucy Mason**
- **This is a session law (or “temporary” law) that allows limited transfers of groundwater across basins during drought emergencies.**
- **Also enacted in 2000, 2003 and 2006.**



## **Summerhaven – SB 1182**

- **Primary Sponsor: Sen. Tim Bee**
- **Exempts Summerhaven from A.R.S. § 45-576, which requires a determination of an assured water supply prior to plat approval or issuance of a public report.**
- **Requires disclosure to all subsequent home purchasers that ADWR has not made an assured water supply determination for the subdivision.**

## **Municipal Water Conservation – SB 1557**

- **Primary Sponsor: Sen. Jake Flake**
- **Modifies the Non-Per Capita Per Day Program for municipal water providers within AMAs**
  - **Best Management Practices (BMP)**
  - **Required for private municipal water providers and large providers that have not obtained a designation of assured water supply**
  - **Optional for large providers that are designated**



## **Forbearance Authority – HJR 2001**

- **Primary Sponsors: Rep. Jim Weiers, Sen. Tim Bee**
- **Authorizes the Director to enter into forbearance agreements with the lower basin states.**
- **Helps to avoid water shortages in Arizona by adding new water to the Colorado River.**

## **2007 Legislative Agenda**

- **Statewide Water Advisory Group (SWAG) recommendations**
  1. **Well impact measure**
  2. **Water adequacy requirement**
  3. **Water supply development revolving fund**
  4. **Upper San Pedro water district – submitted by the San Pedro Partnership**



## **Well Impacts – HB 2484**

- **Primary Sponsors: Rep. Lucy Mason, Sen. Marsha Arzberger**
- **ADWR administrative rules currently prohibit drilling new nonexempt wells that will spread contaminated water to other wells within active management areas (AMAs).**
- **Authorizes the Director to prohibit the drilling of a new well if it will likely result in the migration of contaminated groundwater to both exempt and nonexempt wells statewide.**

## **Water Adequacy – SB 1575**

- **Primary Sponsors: Sen. Marsha Arzberger, Rep. Lucy Mason**
- **Current law does not allow counties to deny new subdivisions that are unable to obtain a determination of adequate water supply from ADWR.**
- **Provides counties and municipalities outside of AMAs authority to require a determination of adequate water supply from ADWR for new subdivisions.**



## **Water Development Revolving Fund – HB 2692**

- **Primary Sponsors: Rep. Lucy Mason, Sen. Marsha Arzberger**
- **Establishes the Water Supply Development Fund to provide financial assistance for water supply development projects**
  - **Focus on large augmentation projects**
  - **Priority for funding will largely be based on need**
  - **9-12 month rulemaking process**
- **To be administered by WIFA**

## **Upper San Pedro Water District – HB 2300**

- **Primary Sponsor: Rep. Jennifer Burns**
- **Establishes organizing committee**
  - **Organization, financial, comprehensive and election plans for a special water district**
- **District formation, taxing authority and Board of Directors positions to be voted on by qualified electors in the District**



## **Upper San Pedro Water District – HB 2300**

- **“The purpose and goal of the district are to maintain the aquifer and base flow conditions needed to sustain the Upper San Pedro River and to assist in meeting the water supply needs and water conservation requirements for Fort Huachuca and the communities within the district.”**

## **Other Water Bills Passed this Session**

- **HB 2321 – adequate water supply; city designation (McLain)**
- **SB 1312 – water storage permits; notice requirements (Flake)**
- **SB 1570 – Arizona water settlement act (Arzberger)**



## Interim 2007

- Implementation Plans
- Outreach
- Planning the 2008 Legislative Agenda

## Conclusion

- Success – 8 out of 8 ADWR and SWAG bills passed



- Historical achievements – SWAG bills, Special Water District

- No rest for the weary





# **STATE-WIDE WATER ADVISORY GROUP MEETING**

**June 29, 2007**

## **WATER BILL IMPLEMENTATION**

### **Water Quality Protection Bill – HB 2484**

- Change ADWR procedures to incorporate new well impact regulations for notices of intent to drill near water quality remediation projects.

### **Water Supply Adequacy Bill – SB 1575**

- Amend ADWR Water Adequacy Rules
- Consult with Cities and Counties that adopt the adequacy requirements
- Review staffing resources and procedures. Prepare budget request if needed

### **Water Development Fund – HB 2692**

- WIFA Appropriation \$250,000
- Create Water Supply Development Fund Committee
- Schedule Organizing Meeting
- Adopt rules governing the application and awarding of water supply development financial assistance and administration procedures for the fund
- Appoint a five person Technical Advisory Subcommittee to the Fund Committee
- Prepare a Water Development Fund needs assessment and budget issue
- Identify sources of funding for the fund

### **Upper San Pedro Water District – HB 2300**

- \$250,000 Appropriation to ADWR
- Form Organizing Board
  - Create Plan of Organization
  - Create Financial Plan for generation of revenue to pay for activities
  - Create Comprehensive Plan in consultation with ADWR for:
    - ✓ Conservation, Reuse, Recharge and Augmentation Projects
    - ✓ Measurable Objectives for achieving water management goals
  - Create Election Plan for the formation of the district and election of the permanent board of directors, and possibly for the revenue authority.
- Adopt Water Supply Adequacy Rules consistent with the policies of the district, subject to the formation of the district



# **Surface Water Program Assessment**

**DRAFT Proposal** 06-29-2007sfw

**Goal** of the assessment is to review all outstanding issues; get a basic understanding of the legal and administrative issues related to implementing the Surface Water program; and propose solutions prior to entering into a Rulemaking process.

## **Tasks**

### **Phase I – Issue Assessment & Proposed Solutions**

- Review w/ADWR Legal and Surface Water Division each outstanding issue.
- Meet w/ internal and external individuals and groups to obtain their perspectives on issues, possibly identify additional issues, and get their point of view on possible solutions.
- Develop white papers on issues and develop possible solutions.
- Conduct stakeholder meetings throughout the State to get input on white papers and revise if possible.

### **Phase II – Rulemaking Process**

- Identify the Scope of the Rulemaking process based on resolution of outstanding issues and areas that need to be clarified in Rule (may be one in the same).
- Draft proposed Rules.
- Conduct Stakeholder meetings to get input on proposed Rules, get informal public comments on proposed Rules, and revise as necessary.
- Initiate formal Governor's Regulatory Review Process (also requires public input/comment on proposed Rule package).



# SB1575 Water Adequacy Bill - Proposed Implementation

Draft stw 06-25-07

